



THE SUQUAMISH TRIBE

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June 30, 2016

Helen Bottcher
U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 900 (ECL-113)
Seattle, WA 98101

Re: Wyckoff-Eagle Harbor Superfund Site
Proposed Plan for Amending the RODs for
Operable Units 1, 2, and 4

Dear Ms. Bottcher:

The Suquamish Tribe appreciates the opportunity to provide comments on the Proposed Plan for the cleanup alternatives proposed within Wyckoff – Eagle Harbor Superfund Site for Operable Unit (OU) 1, East Harbor Operable Unit, and OU2/OU4, Wyckoff Soil and Groundwater Operable Units.

The Suquamish Tribe is a signatory to the 1855 Treaty of Point Elliott. Under the articles of the Treaty, the Tribe ceded certain areas of its aboriginal lands to the United States and reserved various rights including the time immemorial custom to hunt, fish, and gather within its usual and accustomed grounds and stations, which was and continues to be the basis of the Tribe's source of food and culture. The Wyckoff-Eagle Harbor Superfund site is situated within the ceded territory and the adjudicated usual and accustomed fishing area of the Suquamish Tribe.

Treaty-reserved rights and resources are critical to the culture, health, and welfare of the Suquamish people. The Tribe's treaty-reserved right to harvest clams and other fishery resources within Eagle Harbor have been impacted from Wyckoff site contamination releases for decades. These hazardous substance releases have also affected the aquatic biota.

In 2008, the Tribe provided in writing its strong preference for the significant, or mass, removal of contaminants at the Wyckoff upland area, and that sediment contamination issues within the beach area of OU1 be addressed. The Tribe understands the complexities at the site and is supportive of current efforts to address these site contamination problems and to amend the record of decisions for these OUs.

The Tribe's comments on the remedial alternatives being proposed for the Upland Soil and Groundwater Operable Units and the Nearshore Area of the East Harbor Operable Unit, and on a risk assessment support document, are found below. The Tribe also acknowledges information included in the Proposed Plan on early site history (Section 3.1), and supports the language included in the document on natural habitat functions of the site (Section 4.3) and eelgrass beds (Section 4.4.3).

Upland Soil and Groundwater Operable Units (Alternatives 7 and 4)

The Suquamish Tribe supports in-situ solidification/solidification (ISS) of the core area and thermal-enhanced recovery (Upland Alternative 7), and the remedial action objectives (RAOs) proposed for the Soil and Groundwater Operable Units. However, the Tribe does have concerns associated with this alternative and requests further discussion on several common upland elements.

The timeframe for completing actions and achieving the RAOs under Alternative 7 is a concern for the Tribe. This alternative proposes 10 years of active construction followed by an additional 24 years of activities to achieve the RAOs. The Tribe requests that EPA further evaluate the schedule of actions under this alternative to reduce the timeframe needed to achieve the RAOs.

In the preferred alternative, the alignment of the new reinforced concrete wall was modified from the inside to the outside of the existing sheet pile wall (Section 10.2.1). The Tribe's preference is the inside alignment to avoid aquatic habitat impacts. In addition to the loss of beach habitat, the Tribe is concerned of potential impacts the outside alignment may have on eelgrass beds, shoreline structures and processes, and fishery resources. In the event EPA decides to move forward with an outside alignment, mitigation is required for the loss of beach habitat and for all impacts that are associated with this action.

The Tribe also requests continued discussions on the alignment and construction of the new stormwater outfall and any passive discharge of groundwater through the perimeter wall. The Tribe is concerned of water quality issues associated with these future discharges. It is important that the construction and discharge from the new stormwater outfall pipe avoids any potential impacts to shellfish growing area classifications within the Eagle Harbor area and to nearby eelgrass beds. The Tribe has spent well over a decade to upgrade the shellfish growing area classification of the Port Blakely and Tyee Shoal geoduck tracts to "Approved" for harvesting, and any negative impact to these tracts impacts the Tribe's treaty-reserved right to harvest. The Tribe also participated as an Elliott Bay Trustee Council representative on efforts to complete the nearby Milwaukee Dock eelgrass restoration project and the protection of this area is paramount.

The Tribe is considering supporting Upland Alternative 4 (ISS treatment for most of the upland area) if Tribal issues are satisfactorily and meaningfully addressed. These issues include (1) the on-site placement of a significantly larger volume of ISS-treated soils onsite, and (2) the construction and transportation requirements for the treatment of 352,000 cubic yards of soil

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within a four-year construction period. A positive component of this alternative is the 12-year timeframe for completing actions required to achieve the RAOs.

Nearshore Area

The Tribe supports the partial excavation and capping alternative (Nearshore Alternative 3), and the RAOs proposed for the East Harbor Operable Unit. The Tribe, however, does not support the optional modification of Nearshore Alternative 3 (Section 10.2.2), in which contaminated soils from the beach would be treated using ISS technology and buried under the final on-site upland cap. The Tribe requests that contaminated sediments are disposed of at an off-site facility (i.e., landfill).

The Suquamish Tribe strongly supports the use of a shellfish target tissue concentration (Section 7.2.3) to assess the effectiveness of remedial actions in meeting the RAOs. It is important that response actions are implemented and assessed in order for the Tribe to be able to exercise its Treaty-reserved right to harvest clams and other fishery resources. The use of site-specific horse clam data collected from nonurban background location(s) to develop the target tissue concentration for carcinogenic PAHs is the Tribe's preferred approach.

Calculation of Preliminary Remedial Goals and Residual Goals and Residual Risk Estimates for the Wyckoff Superfund Site (April 6, 2016)

The Tribe requests that the above-referenced document be modified to include better delineation of Tribal fisher and recreational beach user exposure assumptions and estimated risks, correction of missing information in the tables, and removal of parameters that are not applicable to the Wyckoff site. The Tribe requests an opportunity to review the modified document before it is finalized.

We appreciate the opportunity to provide these comments, and look forward to our continued involvement on the Wyckoff-Eagle Harbor Superfund site.

Sincerely,



Richard Brooks
Environmental Program Manager

Cc: Hun Seak Park, Ecology